(89)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

WRIT PETITION NO.3217 of 2006

PETITIONERS:

1. Dilip Kumar Deshmukh, S/o Shri Khedu Ram Deshmukh, R/o Village & Post – Bori, Tehsil _ Dhamda, Distt. -Durg
2. Nanku Ram, S/o Sumer Sahu, R/o Village & Post - Bori, Tehsil – Dhamda, Distt. - Durg

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – Secretary, Public Works Department, DKS Bhawan Mantralaya Raipur.
2. Chief Executive Engineer, Public Works Department, State of Chhattisgarh, Raipur (C.G)
3. Executive Engineer, Public Works Department, (B & R), Durg Division, Durg, C.G.
4. Sub Divisional Officer, Sub Division No. 2, Public Works Department (B&R), Durg C.G.
5. Sub Engineer, Public Works Department (B & R), Durg C.G.
6. Collector, Durg (C.G.)
7. Mr. Juber Ahmed Siddiqui, Contractor Public Works Department, State of Chhattisgarh

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Present: Shri Aneesh Pandey, learned counsel for the petitioners.

ORAL ORDER

(Passed on 17th July, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ .

In this writ petition filed as Public Interest Litigation by Dilip Kumar Deshmukh and Nanku Ram, residents of Bori village, Dhamda Tehsil, District Durg, it is alleged that the 7th respondent to whom a works contract to construct a 30 bed capacity hospital at Bori village has been awarded by the Public Works Department, in deviation of the approved plan, has been constructing the building, that too, by using inferior quality of materials. So alleging, the petitioners has sought for intervention of the Court. From the pleadings of the petitioners and documents annexed to the writ petition, it is not clear whether the petitioners before approaching this Court under Article 226 of the Constitution of India as *pro bono* public characters have brought to the notice of the concerned authority in the Public Works Department which has awarded the works contract to the 7th respondent about the alleged violation of the approved plan and using sub-standard materials for construction of 30 bed capacity hospital at Bori village.

(2) Having regard to the nature of the allegations made against the 7th respondent, we think that it is appropriate for the petitioners to first bring it to the notice of the same authority which has awarded the works contract to the 7th respondent about the alleged violation of the approved plan and making use of sub-standard materials for the construction of 30 bed capacity hospital at Bori village and only in the event of such authority not taking any action, then to permit the petitioners to approach this Court. In that view of the matter, we dispose of the writ petition permitting the petitioners to make an appropriate representation to the same authority in the Government which has awarded the works contract to the 7th respondent to construct 30 bed capacity hospital at Bori village containing material particulars with regard to the alleged violation of approved

plan/deviation and the details of sub-standard materials used by the 7th respondent in the construction. If such representation is made by the petitioners to the concerned authority in the Government within a period of one month from today, we direct the concerned Governmental authority to look into the allegations and if they find substance in the allegations, then, to take corrective and appropriate remedial measures to protect the public interest, within a period of 2 months from the date of receipt of such representation from the petitioners. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge